

JANICE MCCOY

MAY 16, 2012

<p style="text-align: center;">221</p> <p>1 Q. What newspaper was that in?</p> <p>2 A. I do not recall.</p> <p>3 Q. What was the general subject of the statement?</p> <p>4 A. I don't recall. Generally, I remember hearing</p> <p>5 that somebody said something in a committee hearing on</p> <p>6 public record, but that's the extent of what I know.</p> <p>7 Q. Somebody said something in a committee meeting</p> <p>8 that somebody being one of the legislators?</p> <p>9 A. Yes. I'm sorry.</p> <p>10 Q. Okay. Thank you. Have you ever heard any</p> <p>11 Texas state legislator who voted in favor of SB 14 say</p> <p>12 that it would prevent a legitimately registered voter</p> <p>13 from voting in Texas?</p> <p>14 MR. FREDERICK: I object on privilege, to</p> <p>15 the extent it calls for confidential privileged</p> <p>16 communications, but other than that, you may answer.</p> <p>17 A. That specific statement, no. That general</p> <p>18 idea, yes.</p> <p>19 Q. (By Ms. Maranzano) Who said that?</p> <p>20 A. The general thought that a legitimate voter</p> <p>21 might not be able to vote was generally said by the</p> <p>22 Democrat senators who testified against the bill.</p> <p>23 Q. Okay. I'm sorry. My question was any</p> <p>24 legislator who voted in favor of SB 14 saying that?</p> <p>25 A. Then the answer is no. I'm sorry.</p>	<p style="text-align: center;">223</p> <p>1 who they say they are, U.S. citizens"?</p> <p>2 A. Yes.</p> <p>3 Q. Was that part of the purpose of House Bill 218?</p> <p>4 A. No.</p> <p>5 Q. Any reason that the Lieutenant Governor would</p> <p>6 assert that that is the purpose of House Bill 218?</p> <p>7 MR. FREDERICK: Objection, calls for</p> <p>8 speculation. You can answer.</p> <p>9 A. I can't speak to what Lieutenant Governor wrote</p> <p>10 in 2007.</p> <p>11 Q. (By Ms. Maranzano) Ms. McCoy, at any time</p> <p>12 since the passage of Senate Bill 14, have you come to</p> <p>13 believe that it was passed with any discriminatory</p> <p>14 purpose?</p> <p>15 MR. FREDERICK: I'll object on the basis</p> <p>16 of legislative privilege. I mean, to the extent -- and</p> <p>17 I'll object to the extent that the question seeks your</p> <p>18 thought processes, based on information gathered during</p> <p>19 consideration of SB 14. And otherwise, you can answer</p> <p>20 if you won't reveal that.</p> <p>21 MS. MARANZANO: My question is, post</p> <p>22 enactment, did she come to believe it was passed with</p> <p>23 discriminatory purpose?</p> <p>24 A. No.</p> <p>25 Q. (By Ms. Maranzano) At any time since the</p>
<p style="text-align: center;">222</p> <p>1 Q. Have you ever heard any Texas state legislator</p> <p>2 who voted in favor of SB 14 say that it would prevent</p> <p>3 racial or ethnic minorities from voting in Texas?</p> <p>4 A. No.</p> <p>5 Q. Are you familiar with a public letter from the</p> <p>6 Lieutenant Governor in 2007 about photo ID requirements?</p> <p>7 A. No.</p> <p>8 Q. This has been previously marked as -- as</p> <p>9 Exhibit 3. This has been previously marked as</p> <p>10 Deposition Exhibit 3. Have you seen this before,</p> <p>11 Ms. McCoy? I'm sorry. I'm showing you what has been</p> <p>12 marked as Deposition Exhibit 3, previously marked. And</p> <p>13 if you can tell me if you've seen it before.</p> <p>14 A. I don't specifically remember reading this, but</p> <p>15 I'm sure I did.</p> <p>16 Q. Do you see that there's a sentence that 8 to 12</p> <p>17 million illegal aliens currently living in the U.S. --</p> <p>18 wait, I'm sorry. Let me find the exact sentence.</p> <p>19 Can you look at the second paragraph? Do</p> <p>20 you see that -- do you see that that sentence says that</p> <p>21 "Yesterday, Senator Troy Fraser brought up in the Senate</p> <p>22 consideration of House Bill 218 by Representative Betty</p> <p>23 Brown, which simply requires voters to present a</p> <p>24 driver's license or some other common form of</p> <p>25 identification at the election polls to prove they are</p>	<p style="text-align: center;">224</p> <p>1 passage of SB 14, have you come to believe that SB 14</p> <p>2 will have a discriminatory effect on minority voters?</p> <p>3 MR. FREDERICK: Same objection, but you</p> <p>4 can answer.</p> <p>5 A. No.</p> <p>6 Q. (By Ms. Maranzano) Ms. McCoy, can you give me</p> <p>7 about two minutes? I'm just about done.</p> <p>8 A. Sure.</p> <p>9 Q. We'll go off the record for about two minutes.</p> <p>10 A. Yeah. Uh-huh.</p> <p>11 (Recess from 5:03 to 5:11 p.m.)</p> <p>12 Q. (By Ms. Maranzano) Ms. McCoy, do you know what</p> <p>13 percentage of Senator Fraser's district was made up of</p> <p>14 Latinos?</p> <p>15 A. No.</p> <p>16 Q. You testified earlier that minority legislators</p> <p>17 made statement on the Floor to -- statements on the</p> <p>18 Floor for the benefit of I believe you said, "of you."</p> <p>19 Did you mean the Department of Justice?</p> <p>20 A. I meant -- yes, yes.</p> <p>21 Q. What's the basis of that statement?</p> <p>22 A. Personal opinion.</p> <p>23 Q. What's your personal opinion based on?</p> <p>24 A. Their opposition to the bill and the fact that</p> <p>25 they thought maybe y'all could help kill it.</p>

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<p style="text-align: center;">225</p> <p>1 Q. Did any of them say anything like that to you?</p> <p>2 MR. FREDERICK: Object, based on</p> <p>3 legislative privilege, to the extent there was any</p> <p>4 confidential communication between a specific legislator</p> <p>5 and you or Senator Fraser, I'll instruct you not to</p> <p>6 answer. Otherwise, to the extent you can answer, you</p> <p>7 may.</p> <p>8 Q. (By Ms. Maranzano) Can you answer this</p> <p>9 question?</p> <p>10 A. I cannot.</p> <p>11 Q. Ms. McCoy, if you're called to testify at</p> <p>12 trial, will you testify that SB 14 has no discriminatory</p> <p>13 purpose?</p> <p>14 A. Yes.</p> <p>15 Q. If you're called to testify at trial, will you</p> <p>16 testify that SB 14 has no discriminatory effect?</p> <p>17 A. Yes.</p> <p>18 MS. MARANZANO: Well, to be clear for</p> <p>19 Mr. Frederick, it's our position that if she's taking</p> <p>20 that position, we have a right to explore the basis of</p> <p>21 that under our motion to compel.</p> <p>22 MR. FREDERICK: I'm sorry. Just so I'm</p> <p>23 clear, to explore what?</p> <p>24 MS. MARANZANO: To explore the -- I mean,</p> <p>25 there's a number of questions that are related to that,</p>	<p style="text-align: center;">227</p> <p>1 taking it out at some point. I don't recall really when</p> <p>2 that came out just because I was kind of hurriedly</p> <p>3 looking through the versions. And I think the House did</p> <p>4 send it to us with it in and we had taken out.</p> <p>5 Q. Thank you for that clarification.</p> <p>6 A. You're welcome.</p> <p>7 Q. Anything else?</p> <p>8 A. That's -- that's it.</p> <p>9 Q. Any -- I'm sorry.</p> <p>10 A. So that was the only thing that I wasn't sure</p> <p>11 about when I answered earlier.</p> <p>12 Q. Is there any information that you didn't recall</p> <p>13 earlier that you now recall?</p> <p>14 A. No.</p> <p>15 MS. MARANZANO: Well, as I said, we're</p> <p>16 leaving this deposition open, and I will now hand it</p> <p>17 over to Chad.</p> <p style="text-align: center;">EXAMINATION</p> <p>18 BY MR. DUNN:</p> <p>19 Q. Good afternoon.</p> <p>20 A. Hi.</p> <p>21 Q. Hi. My name is Chad Dunn. I don't think we've</p> <p>22 ever met before, have we?</p> <p>23 A. I don't think so.</p> <p>24 Q. All right. Well, I know you've been here for</p>
<p style="text-align: center;">226</p> <p>1 that y'all have not permitted her to answer. So we</p> <p>2 would reserve our right -- we're going to leave this</p> <p>3 deposition open. I'd like to say that for the record.</p> <p>4 And you know, we believe that we have a right to ask her</p> <p>5 and get answers on a number of questions that you've</p> <p>6 instructed her not to answer, if she's taking the</p> <p>7 position that she will offer these opinions if she's</p> <p>8 called to testify at trial.</p> <p>9 MR. DUNN: Intervenors join.</p> <p>10 MR. FREDERICK: Okay. I understand.</p> <p>11 Q. (By Ms. Maranzano) Ms. McCoy, are there any</p> <p>12 answers that you've provided today that you now wish to</p> <p>13 change?</p> <p>14 A. Yes.</p> <p>15 Q. What's that?</p> <p>16 A. When we took our break.</p> <p>17 Q. Uh-huh.</p> <p>18 A. I went back and tried to look at the record of</p> <p>19 when things passed or didn't pass.</p> <p>20 Q. Uh-huh.</p> <p>21 A. And I didn't have a lot of time, because there</p> <p>22 was someone in my office on an unrelated issue for most</p> <p>23 of the hour. But you -- the Senate did remove the</p> <p>24 provision on student ID's, not the House. I think I had</p> <p>25 testified that the House removed it, but we ended up</p>	<p style="text-align: center;">228</p> <p>1 quite a while today, so I'm not going to, you know, try</p> <p>2 to waste your time. I've got a few issues that I want</p> <p>3 to ask you about. And I'm going to jump around a little</p> <p>4 bit, all right? I'm going to do my best to not ask you</p> <p>5 anything that's already been asked.</p> <p>6 A. Okay.</p> <p>7 Q. But in order to get done with you as soon as I</p> <p>8 can, I may end up having to overlap just a little bit,</p> <p>9 and for that I apologize. All right.</p> <p>10 I'm going to start a little bit with some</p> <p>11 of your earlier testimony. As I understand it, you used</p> <p>12 to be an election judge; is that true?</p> <p>13 A. One election I served as election judge.</p> <p>14 Q. Which election was that?</p> <p>15 A. Maybe 2000. I don't really recall. It's been</p> <p>16 a while.</p> <p>17 Q. Was that in Travis County?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And were you appointed as the actual election</p> <p>20 judge, or you served as a volunteer?</p> <p>21 A. I was not precinct chair.</p> <p>22 Q. Okay.</p> <p>23 A. I -- they called and asked me, it was a</p> <p>24 November election, the local party called and said we</p> <p>25 need a Republican, because they had -- they wanted a</p>

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<p style="text-align: center;">229</p> <p>1 Democrat and a Republican. And I lived in the precinct, 2 and they asked me to do it, and I said yes. I don't 3 know if they had to actually turn my name in or not. 4 Q. Okay. And I'm not trying to quarrel with you, 5 but it sounds more like you were an election observer or 6 a poll watcher than an election judge. 7 A. No, sir. I was an election -- or the assistant 8 election -- I don't think I was the election judge. I 9 was the assistant election judge. I mean, I actually 10 had the title. 11 Q. Okay. And what were your responsibilities there 12 at the polling location? 13 A. I was -- what was it? I was -- I -- served as 14 the election judge, assistant election judge. So I 15 monitored the election. If there were any issues that 16 came up, I was there to resolve them. There were not. 17 And then at the end of the night, I do remember taking 18 the box. They used -- they used to take the boxes to -- 19 Q. Central tabulation? 20 A. Yeah. Well, you know where Palmer Event 21 Center -- there used to be a building next to Palmer 22 Event Center, but they tore it down. Whatever that 23 building was, I took the box there and had to turn it in 24 official. And then by election code, you have to keep 25 the documents for two years. And so I was the custodian</p>	<p style="text-align: center;">231</p> <p>1 Republican party official. 2 Q. Was it the chairman? 3 A. I don't recall. 4 Q. I assume that you vote in most elections? 5 A. Yes, sir. 6 Q. Do you vote in both nonpartisan and partisan 7 elections? 8 A. Yes, sir. 9 Q. And you're going to hate me for asking this, 10 but it's important for several questions, what year were 11 you born? 12 A. 1969. 13 Q. All right. I tried to do it as gingerly as I 14 could. 15 A. I'm not embarrassed. 16 Q. So I assume since you turned 18 and since then, 17 you have more or less consistently voted? 18 A. Yes, sir. 19 Q. Whenever you have voted in Texas, have you ever 20 observed activity that made you concerned it would be 21 voter fraud? 22 A. No, sir. 23 Q. Have you ever voted in an election and observed 24 discriminatory behavior by an election clerk? 25 A. No, sir.</p>
<p style="text-align: center;">230</p> <p>1 of the documents for that precinct for two years. 2 Q. All right. Were you actually assigned the 3 responsibility of enrolling voters as they came in? 4 A. I did not sit there and check the voters. 5 That, the election workers did that. 6 Q. And did you do that during early vote or 7 election day or both? 8 A. It was only on election day. 9 Q. Do you remember the precinct? 10 A. No. The precinct number, no, sir. 11 Q. Do you remember the actual location? 12 A. There was a church just at 45th and Medical 13 Parkway. 14 Q. While there, did you observe any activity that 15 you were concerned might be election fraud? 16 A. No. 17 Q. Have you served in an election judge or 18 election official capacity any other time than we just 19 spoke about? 20 A. No. 21 Q. Now, you said somebody called you and asked you 22 to do this. Do you remember who that was? 23 A. No, sir. 24 Q. Was it a party official or a county official? 25 A. I think it was a party official. Travis County</p>	<p style="text-align: center;">232</p> <p>1 Q. I think you also testified that you've lived in 2 Texas your whole life; is that true? 3 A. Yes, sir. 4 Q. Have you, during that time, ever witnessed an 5 act of discrimination against a minority citizen in 6 Texas? 7 MR. FREDERICK: Object as vague. Object 8 to relevance. But you can answer. 9 A. Yeah. I don't -- I don't know that I can 10 answer that question because it's vague. I mean -- 11 Q. (By Mr. Dunn) Well, I'll do -- I'll see if I 12 can do better. All right? 13 A. Okay. 14 Q. Have you ever seen a government official deny a 15 benefit or service to a minority citizen? 16 A. No, sir. 17 Q. Have you ever seen another citizen in Texas 18 treat a minority citizen with some degree of disrespect? 19 A. Another citizen? 20 Q. Yes, ma'am. 21 A. So one citizen treating somebody else with 22 disrespect? Yes, sir. 23 Q. And was that an Anglo to an African-American or 24 an Anglo to a Latino or something different? 25 A. I think in all instances I have seen people</p>

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<p style="text-align: center;">233</p> <p>1 treat people poorly, whether it's minority on minority 2 or Anglo on minority or minority on Anglo, I've seen it 3 all. And I've lived 43 years, you see a lot of 4 disrespect. 5 Q. So, in your opinion, there's not a higher 6 degree of discrimination amongst the citizenry between 7 Anglos and minority population in Texas anyway? 8 A. In my opinion, that's correct. 9 Q. Have you always lived in Austin? 10 A. No, sir. 11 Q. Where else have you lived in the state? 12 A. Houston, in College Station, Bryan/College 13 Station when I was at A&M. 14 Q. You went to school at A&M? 15 A. Yes, sir. 16 Q. Where did you grow up? 17 A. Houston. 18 Q. So is it fair to say that you've more or less 19 split your life in-between Houston and Travis County? 20 A. Yes, sir. 21 Q. Now, I'm going to move to a different topic, so 22 I'm trying not to lose you here. But you were asked a 23 number of questions about the various photo voter ID 24 bills over the last several sessions about documents 25 prepared as part of the legislative process. Okay.</p>	<p style="text-align: center;">235</p> <p>1 Q. Was it completely created by and put out by 2 Senate Research, or did it include language provided by 3 you or somebody in your office? 4 A. Senator Fraser, through me, provides language 5 to the committee chair and their staff, and in this 6 case, Senator Duncan chaired Senate State Affairs. They 7 then take that information and submit it to Senate 8 Research Center. I don't know for sure if they used my 9 language verbatim. Sometimes they do. Sometimes they 10 don't. And on this instance, I do not recall if they 11 used any of my language verbatim. 12 Q. And so just to be clear in our record, do you 13 recall whether or not the language your office submitted 14 to Senator Duncan's staff was changed at all when it was 15 submitted by Senator Duncan's staff to Senate research? 16 A. I do not recall. 17 Q. Who was it with Senator Duncan's staff you 18 would have coordinated on the research analysis? 19 A. Jennifer Fagan. 20 Q. Was any convincing or cajoling necessary to 21 convince Senator Duncan's staff to support this bill? 22 MR. FREDERICK: Object, legislative 23 privilege. Instruct you not to answer. 24 A. I'll assert privilege. 25 Q. (By Mr. Dunn) With respect to the -- in</p>
<p style="text-align: center;">234</p> <p>1 That's where I'm going now. 2 A. Yes, sir. 3 Q. And you were asked some questions about bill 4 analysis that were prepared. And I want to focus on SB 5 14 for a minute. The bill analysis prepared for SB 14 6 was created by whom? 7 A. The bill analysis that was created by Senate 8 Bill 14 as it came out of Senate, as it was filed, as it 9 came out of Senate committee as it was grossed, 10 engrossed, was prepared by Senate Research Center, 11 essentially, via the Senate administrative process. 12 The House, when it made it over there, 13 their processes developed their own bill analysis for 14 use. I don't really recall -- I don't know who does 15 theirs. 16 Q. All right. 17 A. They probably base it on ours, but they do 18 their own. 19 Q. And I want to focus on the Senate report 20 first. The Senate report was prepared by Senate 21 Research, if I understood your answer right. 22 A. That's -- yes. 23 Q. Okay. And I want to make sure we're being very 24 specific about that. 25 A. Right.</p>	<p style="text-align: center;">236</p> <p>1 addition to the bill analysis, a fiscal note was also 2 prepared; is that true? 3 A. Yes, sir. 4 Q. And was that prepared by the Legislative Budget 5 Board? 6 A. Yes, sir. 7 Q. Can you recall if, and I'm not asking for the 8 numbers, but from the various sessions you've been asked 9 about photo ID bills today, can you recall if there were 10 any changes to the fiscal note of the bill in its 11 various iterations? 12 A. I don't recall what the fiscal note was in 13 2007. I think in 2009 the number stayed somewhere in 14 the 2 to 4 million dollar range. 15 Q. Do you remember who the analyst at LBB was on 16 these bills? 17 A. I did not know the analyst at LBB. 18 Q. Did you ever communicate with the analyst at 19 LBB? 20 A. No, sir. 21 Q. Did you ever provide LBB any estimates as to 22 your belief as to the fiscal impact of the bill? 23 A. No, sir. 24 Q. Did you ever do or conduct any research as to 25 what the fiscal impact of the bill would be?</p>

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<p style="text-align: center;">237</p> <p>1 MR. FREDERICK: Object, based on</p> <p>2 legislative privilege. Instruct you not to answer to</p> <p>3 the extent it reveals the substance of any research. I</p> <p>4 instruct you not to answer.</p> <p>5 A. I'll assert privilege.</p> <p>6 Q. (By Mr. Dunn) Stepping way from this bill for</p> <p>7 a minute, is it generally important that a bill in the</p> <p>8 legislature not have a fiscal impact or have a minimal</p> <p>9 fiscal impact in order to pass?</p> <p>10 MR. FREDERICK: Object, vagueness, but you</p> <p>11 can answer.</p> <p>12 MR. DUNN: I'll strike the question and</p> <p>13 rephrase. How about that?</p> <p>14 Q. (By Mr. Dunn) Is it -- bills with a large</p> <p>15 fiscal impact, do they typically get defeated or fail?</p> <p>16 A. They take longer to pass.</p> <p>17 Q. And they -- and because the bill involves a</p> <p>18 larger fiscal impact, that means the state has to divert</p> <p>19 financial resources to the bill's tenants; is that true,</p> <p>20 if it were to pass?</p> <p>21 A. No.</p> <p>22 Q. Well, I assume that in all these years that</p> <p>23 you've worked for Senator Fraser and perhaps others, you</p> <p>24 have prepared a lot of bills and received a lot of</p> <p>25 fiscal impacts on bills; is that true?</p>	<p style="text-align: center;">239</p> <p>1 A. Yes.</p> <p>2 Q. All right. What efforts were made -- is it</p> <p>3 true then that Senate Bill 14 had a fiscal impact</p> <p>4 according to the LBB?</p> <p>5 A. Yes.</p> <p>6 Q. What steps were taken to make sure the funding</p> <p>7 would be available for the bill?</p> <p>8 A. In 2007, no, I'm sorry. I get my years -- in</p> <p>9 2009 -- well, let's back up.</p> <p>10 So when a bill has a fiscal impact, you</p> <p>11 need a Finance Committee member to propose an amendment</p> <p>12 to the budget or a rider or some sort of mechanism to</p> <p>13 get that included, a contingency rider, sometimes. In</p> <p>14 2007, I want to say that -- I can't remember if I did</p> <p>15 one of those or not. In 2009, I'm sorry. Sorry.</p> <p>16 2009. In 2007, I don't -- I didn't do anything with the</p> <p>17 budget of the bill. I don't remember that.</p> <p>18 In 2009, I think we prepared a contingency</p> <p>19 rider, and I think we asked another senator who was on</p> <p>20 the committee to move that forward, who was a supporter</p> <p>21 of the bill.</p> <p>22 In 2011, I don't recall that I did any</p> <p>23 work on trying to -- on behalf of Senator Fraser in</p> <p>24 trying to get money in the budget.</p> <p>25 Q. Is the short answer with respect to Senate Bill</p>
<p style="text-align: center;">238</p> <p>1 A. Yes, sir.</p> <p>2 Q. Is it not typically bad news when you received</p> <p>3 a fiscal impact statement from LBB that puts money on</p> <p>4 the cost of a bill?</p> <p>5 MR. FREDERICK: Object to vagueness. You</p> <p>6 can answer.</p> <p>7 A. Well, I think I need you to ask the question</p> <p>8 better. I don't -- can you ask the question again?</p> <p>9 Q. (By Mr. Dunn) Uh-huh. Is it more difficult to</p> <p>10 pass a piece of legislation when it has a fiscal impact</p> <p>11 statement from LBB that it costs a considerable amount</p> <p>12 of money?</p> <p>13 A. Not always, but the majority of the time, yes,</p> <p>14 you'd rather have a zero fiscal note than not. Or have</p> <p>15 a low fiscal note than not.</p> <p>16 Q. And just so our court, which may not understand</p> <p>17 the process here in Texas, our budget here in the state</p> <p>18 is prepared either by the House Appropriations Committee</p> <p>19 or the Senate Finance Committee in alternating sessions;</p> <p>20 is that true?</p> <p>21 A. That's true.</p> <p>22 Q. And so if a member wants to pass a bill that</p> <p>23 has a fiscal impact, they typically have to go to either</p> <p>24 the Appropriations or Finance Committee and work out an</p> <p>25 arrangement to pay for the bill; is that also true?</p>	<p style="text-align: center;">240</p> <p>1 14, in 2011, you can't recall what, if anything, you did</p> <p>2 to get the bill funded?</p> <p>3 A. I don't recall that I did anything to get the</p> <p>4 bill funded --</p> <p>5 Q. All right.</p> <p>6 A. -- on behalf of Senator Fraser.</p> <p>7 Q. Senator Fraser has served on the Finance</p> <p>8 Committee before, has he not?</p> <p>9 A. Yes, he has.</p> <p>10 Q. When did that service stop?</p> <p>11 A. I don't recall. 2005 or 2007.</p> <p>12 Q. Do you recall the senator you approached in</p> <p>13 2009 to hold the contingency rider on the committee?</p> <p>14 A. I do not.</p> <p>15 Q. Do you know who carried it in 2011?</p> <p>16 A. I do not.</p> <p>17 Q. Just for our record, which -- was the</p> <p>18 appropriation bill in '11 out of the house or out of the</p> <p>19 Senate? Or do you remember?</p> <p>20 A. I don't remember.</p> <p>21 Q. I don't either so I was hoping you did.</p> <p>22 A. I try to forget.</p> <p>23 Q. All right. As part of the fiscal analysis for</p> <p>24 the bill, did you participate in trying to determine</p> <p>25 what it would cost to fully fund antifraud technologies</p>

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<p style="text-align: center;">241</p> <p>1 in voting locations?</p> <p>2 MR. FREDERICK: I'm going to object on the</p> <p>3 basis of privilege, to the extent it calls for the</p> <p>4 substance of any communications or your thought process,</p> <p>5 mental impressions, but the question as phrased, you may</p> <p>6 answer it as long as you don't reveal those matters.</p> <p>7 A. Senator Fraser and I didn't do any work on</p> <p>8 developing what the fiscal note looked like or what the</p> <p>9 agency said it would cost them or not cost them. So we</p> <p>10 did nothing on the fiscal impact.</p> <p>11 Q. (By Mr. Dunn) All right. Fair enough. So</p> <p>12 I'll ask this question: Did you, though, in working on</p> <p>13 the bill, in any session, come to learn of various</p> <p>14 technologies that have been developed or being developed</p> <p>15 that can be used in polling locations to stop voter</p> <p>16 fraud?</p> <p>17 MR. FREDERICK: Object to legislative</p> <p>18 privilege. Instruct you not to answer.</p> <p>19 A. I'll assert privilege.</p> <p>20 Q. (By Mr. Dunn) With respect to Senate Bill 14,</p> <p>21 do you know which legislator or which legislator's staff</p> <p>22 was the point person for the fiscal impact of the bill,</p> <p>23 if it wasn't you?</p> <p>24 A. I mean --</p> <p>25 MR. FREDERICK: If you know.</p>	<p style="text-align: center;">243</p> <p>1 administrative functions for those three employees, and</p> <p>2 they call me and bounce things off me about meetings or</p> <p>3 issues or case work that they're working on.</p> <p>4 Q. Do you go out into the district?</p> <p>5 A. I have. I haven't done it in the last couple</p> <p>6 of years.</p> <p>7 Q. Senator Fraser's district is, gross</p> <p>8 generalization, but more or less northwest of the Austin</p> <p>9 area; is that true?</p> <p>10 A. He would categorize it as the Hill Country from</p> <p>11 Kerr County to Abilene, from Belton to Menard.</p> <p>12 Q. All right.</p> <p>13 A. Junction.</p> <p>14 Q. Where are his district offices?</p> <p>15 A. Abilene, Belton and Marble Falls.</p> <p>16 Q. Is there an area in the district that has a</p> <p>17 high degree of African-American, Latino or Asian</p> <p>18 population?</p> <p>19 A. I would assume Bell County probably has our</p> <p>20 largest minority population because it's our largest</p> <p>21 county.</p> <p>22 Q. How would you describe that minority? I mean,</p> <p>23 is it Latino, African-American mixed?</p> <p>24 A. African-American.</p> <p>25 Q. I think you were asked earlier if you knew the</p>
<p style="text-align: center;">242</p> <p>1 A. When a bill moves to the legislative process,</p> <p>2 the committee staff in the committee is responsible for</p> <p>3 asking LBB for a fiscal note. LBB then asks the</p> <p>4 different agencies that are impacted how much it will</p> <p>5 cost. That comes back, gets attached to the bill, and</p> <p>6 we move forward.</p> <p>7 I mean, I don't -- I mean, I think -- I</p> <p>8 mean, I don't know that I can be responsive to your</p> <p>9 question, because I don't know that any legislative</p> <p>10 staff directed anybody to provide that type -- those</p> <p>11 numbers. It's just that's what happened. That's what</p> <p>12 we got back from legislative budget board.</p> <p>13 Q. (By Mr. Dunn) Let me try a different way of</p> <p>14 phrasing the question. Do you know and can you name for</p> <p>15 us any staffer that was involved in formulating the</p> <p>16 fiscal impact of this bill or coordinating with LBB?</p> <p>17 A. No.</p> <p>18 Q. Okay. As I understand your description earlier</p> <p>19 of your job responsibilities, you principally handle the</p> <p>20 Capitol office for Senator Fraser and his legislative</p> <p>21 priorities; is that true?</p> <p>22 A. Yes.</p> <p>23 Q. Do you have any district office</p> <p>24 responsibilities?</p> <p>25 A. Only inasmuch as I oversee the same</p>	<p style="text-align: center;">244</p> <p>1 percentage of Latinos you have in your district. I</p> <p>2 think you said you didn't know; is that true?</p> <p>3 A. That's true.</p> <p>4 Q. Do you have an estimate?</p> <p>5 A. No, sir.</p> <p>6 Q. Do you have an estimate for the number of</p> <p>7 African-Americans in your district?</p> <p>8 A. No, sir.</p> <p>9 Q. Do you have an estimate for the number of</p> <p>10 Asians in your district?</p> <p>11 A. No, sir.</p> <p>12 Q. You've been with Senator Fraser for 10 years.</p> <p>13 Did I hear that right?</p> <p>14 A. Since 1998.</p> <p>15 Q. '98. All right. So about 14 years?</p> <p>16 A. Yes, sir.</p> <p>17 Q. In the 14 years, what activities have you taken</p> <p>18 or Senator Fraser taken to support the minority</p> <p>19 community in his district? Any bills, business,</p> <p>20 meetings, or legislative business undertaken for those</p> <p>21 groups?</p> <p>22 MR. FREDERICK: I'll object on legislative</p> <p>23 privilege, only to the extent that your answer would</p> <p>24 require you to reveal thought process, mental</p> <p>25 impressions or confidential communications related to</p>

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<p style="text-align: center;">245</p> <p>1 pending legislation. To the extent you can answer</p> <p>2 without revealing that, you may answer.</p> <p>3 A. Senator Fraser votes and promotes and works</p> <p>4 with every constituent equally.</p> <p>5 Q. (By Mr. Dunn) And I appreciate that. I'm just</p> <p>6 trying to find out, can you name for us some bills or</p> <p>7 meetings or sort of administrative lobbying he's done on</p> <p>8 of behalf of the minority constituents in his district?</p> <p>9 A. No.</p> <p>10 Q. Now, with regard to your district</p> <p>11 responsibilities, do you ever go out and take the place</p> <p>12 of the Senator at an event or speak to group because</p> <p>13 he's unavailable?</p> <p>14 A. I have in the past. I have not done it in</p> <p>15 about three years.</p> <p>16 Q. What sort of events would you go speak to?</p> <p>17 A. They weren't necessarily speaking events where</p> <p>18 it was a public forum. They typically would just be</p> <p>19 meetings with various constituency groups that wanted to</p> <p>20 express concerns or opinions to our office.</p> <p>21 Q. Are there -- if I understand the testimony</p> <p>22 earlier, there's sort of a schedule kept by your office</p> <p>23 of where the Senator goes and does. It doesn't have</p> <p>24 everything, but it has some things; is that right?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: center;">247</p> <p>1 pushing photo ID?</p> <p>2 A. No, sir.</p> <p>3 Q. It would just come up as a part of more general</p> <p>4 political discussion?</p> <p>5 A. Yes, sir.</p> <p>6 Q. My question earlier was limited to events in</p> <p>7 the district. Now I'm going to ask you about anywhere.</p> <p>8 Have you been to such events?</p> <p>9 A. No, sir.</p> <p>10 Q. When is it that photo ID became something you</p> <p>11 started working on in your office?</p> <p>12 A. The spring of 2007.</p> <p>13 Q. What caused that project to develop?</p> <p>14 MR. FREDERICK: Object, based on</p> <p>15 legislative privilege. To the extent you can answer</p> <p>16 without revealing communications with the Senator,</p> <p>17 legislators, constituents, or thoughts or mental</p> <p>18 impression, you can answer.</p> <p>19 A. When the Senator agreed to be the House sponsor</p> <p>20 to House Bill 218.</p> <p>21 Q. (By Mr. Dunn) Prior to agreeing to be the</p> <p>22 sponsor of House Bill 218, you hadn't researched,</p> <p>23 drafted bill language or otherwise worked on the photo</p> <p>24 ID issue?</p> <p>25 MR. FREDERICK: Objection, legislative</p>
<p style="text-align: center;">246</p> <p>1 Q. Would it also include the events that you</p> <p>2 attended or another staff attended on his behalf?</p> <p>3 A. No, sir.</p> <p>4 Q. Those would be kept on the staffer's private</p> <p>5 calendar?</p> <p>6 A. That's correct.</p> <p>7 Q. Can you recall ever have gone to an event in</p> <p>8 place of Senator Fraser and speaking with a group of</p> <p>9 African-Americans or Latinos?</p> <p>10 A. I've gone to events where African-Americans and</p> <p>11 Latinos were present but nothing specific to those</p> <p>12 groups.</p> <p>13 Q. Not a group or event where they made up the</p> <p>14 predominant population in the attendees?</p> <p>15 A. That's correct. I have not.</p> <p>16 Q. Have you attended any public meetings in</p> <p>17 Senator Fraser's district as it relates to photo ID?</p> <p>18 A. I've attended meetings with the Senator where</p> <p>19 he has -- speaking to a group where he brings up the</p> <p>20 topic of photo ID in terms of the legislation that he</p> <p>21 passed or didn't pass, given whatever year it was, but</p> <p>22 nothing specific for the meeting specifically about</p> <p>23 voter ID.</p> <p>24 Q. In other words, you didn't go to any rallies or</p> <p>25 events put together by certain political groups who were</p>	<p style="text-align: center;">248</p> <p>1 privilege. Instruct you not to answer.</p> <p>2 A. I'll assert privilege.</p> <p>3 Q. (By Mr. Dunn) The impetus to your office</p> <p>4 beginning to deal with photo ID, did it have anything to</p> <p>5 do with a specific event or events actually involving</p> <p>6 voter impersonation?</p> <p>7 MR. FREDERICK: Object on the basis of</p> <p>8 legislative privilege. Instruct you not to answer.</p> <p>9 A. I'll assert privilege.</p> <p>10 Q. (By Mr. Dunn) Why is it that Senator Fraser,</p> <p>11 after having been asked in 2007 to carry House Bill 218,</p> <p>12 why is it that he continued to hold the issue and push</p> <p>13 it in future sessions?</p> <p>14 MR. FREDERICK: Object on the basis of</p> <p>15 legislative privilege. To the extent that it -- that</p> <p>16 the question calls for subjective mental impressions,</p> <p>17 thought process or confidential communications, I</p> <p>18 instruct you not to answer. If you can answer based on</p> <p>19 nonprivileged matters including public statements or</p> <p>20 core testimony, you can do so.</p> <p>21 A. I think I can say that Senator Fraser has said</p> <p>22 consistently, public record or public meetings, that he</p> <p>23 believes that the issue of in-person voter fraud and</p> <p>24 protecting the integrity of our elections was important,</p> <p>25 and he wanted to continue to fight.</p>

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<p style="text-align: center;">249</p> <p>1 Q. (By Mr. Dunn) And he came to that conclusion</p> <p>2 sometime in or around the spring of 2007 when he was</p> <p>3 asked to support House Bill 218?</p> <p>4 MR. FREDERICK: Objection to the extent it</p> <p>5 mischaracterizes the prior testimony. Also object on</p> <p>6 legislative privilege. I instruct you not to answer.</p> <p>7 A. I'll assert privilege.</p> <p>8 Q. (By Mr. Dunn) Is it true that Senator Fraser's</p> <p>9 issue in the photo ID matter -- strike that.</p> <p>10 Senator Fraser's interest in the photo ID</p> <p>11 matter did not develop until he was approached by a</p> <p>12 member of the House?</p> <p>13 MR. FREDERICK: Objection, legislative</p> <p>14 privilege. Instruct you not to answer.</p> <p>15 A. I'll assert privilege.</p> <p>16 Q. (By Mr. Dunn) You were asked some testimony</p> <p>17 about Section 5 of the Voting Rights Act. I'm just</p> <p>18 telling you that to sort of get you to where I'm going</p> <p>19 now.</p> <p>20 A. Yes, sir.</p> <p>21 Q. All right. And you mentioned something that</p> <p>22 nine states and some territories are subject to Section</p> <p>23 5. Did I hear you correctly?</p> <p>24 A. That was my comment. Yes, sir.</p> <p>25 Q. Do you know how it is that those nine states</p>	<p style="text-align: center;">251</p> <p>1 discrimination in Texas resolved?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. But in any event, in your opinion, we're</p> <p>4 at the point now where federal laws are not required to</p> <p>5 protect minority citizens in Texas?</p> <p>6 MR. FREDERICK: You may answer to the</p> <p>7 extent that --</p> <p>8 A. My personal opinion is federal law is not</p> <p>9 necessary to protect minority voters in Texas.</p> <p>10 Q. (By Mr. Dunn) But you believe that minority</p> <p>11 citizens have an equal opportunity to vote as Anglos or</p> <p>12 anyone else?</p> <p>13 A. That they do?</p> <p>14 Q. Yes, ma'am.</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. That is -- that sort of belief, the</p> <p>17 belief that everybody that's an American citizen has an</p> <p>18 equal vote is also part of the law in the constitution,</p> <p>19 the federal constitution; is that true?</p> <p>20 A. Yes, sir.</p> <p>21 Q. All right. So when you draft legislation,</p> <p>22 whether it's on elections or anything else for the</p> <p>23 Senator, do you keep that concern in mind to make sure</p> <p>24 you're complying with that provision of the</p> <p>25 constitution?</p>
<p style="text-align: center;">250</p> <p>1 and territories were made subject to Section 5?</p> <p>2 A. My understanding is that it was part of -- back</p> <p>3 when LBJ was president, but that's as much I could speak</p> <p>4 to.</p> <p>5 Q. In other words, you don't know if there was a</p> <p>6 formula or some kind of basis used to select the areas</p> <p>7 subject to Section 5, you're not familiar with it?</p> <p>8 A. That's correct.</p> <p>9 Q. Are you aware that Section 5 was applied to</p> <p>10 certain areas because of the history of discrimination?</p> <p>11 A. It's my understanding that that was the</p> <p>12 intent. Yes, sir.</p> <p>13 Q. And do you deny that there's a history of</p> <p>14 discrimination in Texas?</p> <p>15 A. No, sir.</p> <p>16 Q. When is it that you think, if you do, that the</p> <p>17 discrimination in Texas stopped?</p> <p>18 A. I don't recall that there being discrimination</p> <p>19 in my life -- well, in my adult lifetime.</p> <p>20 Q. So sometime in your adolescence is when that</p> <p>21 problem was solved in your view?</p> <p>22 MR. FREDERICK: Objection, to the extent</p> <p>23 misstates the testimony. You can answer.</p> <p>24 MR. DUNN: I'll rephrase.</p> <p>25 Q. (By Mr. Dunn) When in your view was racial</p>	<p style="text-align: center;">252</p> <p>1 A. I --</p> <p>2 MR. FREDERICK: Object on the basis of</p> <p>3 legislative privilege, and instruct you not to answer.</p> <p>4 A. I'll assert privilege.</p> <p>5 Q. (By Mr. Dunn) Do you believe that -- this</p> <p>6 is -- I'm going to make sure I'm clear about this. If</p> <p>7 you're confused, ask me. But do you believe that</p> <p>8 government, whether it's state or federal, is capable of</p> <p>9 disenfranchising a citizen? I beg your pardon?</p> <p>10 A. I'm sorry. I'm just thinking in my head.</p> <p>11 Q. Oh.</p> <p>12 A. What do you mean by "disenfranchising"?</p> <p>13 Q. Well, let's say the federal government passed a</p> <p>14 law that said that people with blue eyes can't vote any</p> <p>15 longer.</p> <p>16 A. So we're specifically talking about elections?</p> <p>17 Q. Yes. Uh-huh. Such a law would disenfranchise</p> <p>18 voters. Would you agree?</p> <p>19 A. If you had blue eyes, yes, sir.</p> <p>20 Q. All right. You and I share that trait. That's</p> <p>21 why I picked that one.</p> <p>22 A. Maybe we shouldn't be voting.</p> <p>23 Q. Well, we probably -- well, I won't even say.</p> <p>24 All right. With respect to -- there have</p> <p>25 been laws over the years that have caused voters to be</p>

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<p style="text-align: center;">253</p> <p>1 disenfranchised; would you agree?</p> <p>2 A. Previous, yes.</p> <p>3 Q. For example, requiring a voter to pay a poll</p> <p>4 tax. Would you agree that resulted in disenfranchise?</p> <p>5 A. Yes.</p> <p>6 Q. Laws that require voters to take a literacy</p> <p>7 test. Would you agree that was disenfranchising?</p> <p>8 A. Yes.</p> <p>9 Q. Do you believe that government can make voting</p> <p>10 so onerous that it becomes a disenfranchisement?</p> <p>11 MR. FREDERICK: Object as vague, but if</p> <p>12 you have an opinion, you can answer it.</p> <p>13 A. I don't believe the government would do that.</p> <p>14 Q. Fine. But if it did, it could become</p> <p>15 disenfranchising?</p> <p>16 A. I think the government could do a lot of things</p> <p>17 that are bad and does.</p> <p>18 Q. So is it your opinion that Senate Bill 14 as</p> <p>19 passed has no effect on the difficulty in voting in</p> <p>20 Texas?</p> <p>21 MR. FREDERICK: I'll object only to the</p> <p>22 extent that the question seeks your mental impressions,</p> <p>23 thought processes related to the development of SB 14</p> <p>24 and any confidential communications. As you sit here</p> <p>25 today, you may answer based on personal knowledge or</p>	<p style="text-align: center;">255</p> <p>1 knowledge, as you sit here today, not based on that, you</p> <p>2 may answer.</p> <p>3 A. So the question is?</p> <p>4 Q. (By Mr. Dunn) The question is, what is your</p> <p>5 opinion as to whether or not Senate Bill 14 places some</p> <p>6 burden on voting?</p> <p>7 A. I don't believe it imposes an additional burden</p> <p>8 on voting that makes it hard for anybody to vote.</p> <p>9 Q. And so I just want to make sure I understand.</p> <p>10 You don't think that there's any burden, or you think</p> <p>11 that the burden is insignificant?</p> <p>12 A. I think the burden is insignificant.</p> <p>13 Q. All right. And so whereas a burden that would</p> <p>14 come from a poll tax or a literacy test is some degree</p> <p>15 higher -- well, let me just strike that.</p> <p>16 Where do you draw the line between the</p> <p>17 burden of a poll tax, for example, and the burden</p> <p>18 created by the photo ID requirement?</p> <p>19 MR. FREDERICK: Object as vague.</p> <p>20 A. I don't know that I personally believe that the</p> <p>21 burden of having a photo ID is a burden or having a</p> <p>22 photo ID is a burden.</p> <p>23 Q. (By Mr. Dunn) I see. All right. Well, have</p> <p>24 you worked on -- you staffed State Affairs for some</p> <p>25 period of time I think you said, right?</p>
<p style="text-align: center;">254</p> <p>1 opinion.</p> <p>2 A. I do not believe Senate Bill 14 disenfranchises</p> <p>3 voters.</p> <p>4 Q. (By Mr. Dunn) All right. And that's fair</p> <p>5 enough, but that's a slightly different answer to a</p> <p>6 different question.</p> <p>7 I'm asking: Do you believe that Senate</p> <p>8 Bill 14 puts some burden on voting that wasn't there</p> <p>9 before?</p> <p>10 MR. FREDERICK: Same objection and</p> <p>11 instruction.</p> <p>12 A. I'll assert privilege.</p> <p>13 THE WITNESS: Can I? Is that what --</p> <p>14 MR. FREDERICK: No. Let me repeat it just</p> <p>15 so I'm clear to you.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. FREDERICK: I object based on</p> <p>18 legislative privilege, only to the extent the question</p> <p>19 seeks your thoughts or Senator Fraser's thoughts or</p> <p>20 mental impressions about SB 14 during the process of</p> <p>21 development and passage or any confidential</p> <p>22 communications --</p> <p>23 A. Okay.</p> <p>24 MR. FREDERICK: -- related to it. To the</p> <p>25 extent that you have a personal opinion or personal</p>	<p style="text-align: center;">256</p> <p>1 A. Yes, sir.</p> <p>2 Q. And State Affairs in the Senate is where most</p> <p>3 election bills go through unless --</p> <p>4 A. Yes.</p> <p>5 Q. -- there's a special rule set up?</p> <p>6 A. Yes, sir.</p> <p>7 Q. All right. In this case, Senate Bill 14 didn't</p> <p>8 go through State Affairs because the Committee of the</p> <p>9 Whole was created; is that true?</p> <p>10 A. That's true.</p> <p>11 Q. But typically, the committee with senators who</p> <p>12 have the background and knowledge about election matters</p> <p>13 are in State Affairs?</p> <p>14 A. Yes, sir.</p> <p>15 Q. There have been a number of bills that have</p> <p>16 been passed by the state legislature in the last several</p> <p>17 sessions that relate to election laws; is that true?</p> <p>18 A. Yes, sir.</p> <p>19 Q. There have also been a number that relate to</p> <p>20 voter registration; is that true?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Are you familiar with bills that have created</p> <p>23 new requirements for deputy voter registrars in Texas?</p> <p>24 A. Not specifically, no.</p> <p>25 Q. All right. Are you familiar with any bills</p>

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<p style="text-align: center;">257</p> <p>1 that create additional burdens in order to become 2 registered to vote in Texas? 3 A. I don't recall that we passed anything about 4 registering to vote since HAVA or that doesn't comply 5 with HAVA. 6 Q. So if things have been passed since then, you 7 just don't recall it? 8 A. That's correct. 9 Q. Now, could you see a scenario where the -- and 10 I'm using your language, the insignificant burden of SB 11 14 added on to a burden of voter registration, added on 12 to a burden of deputy registrars, could add up to 13 disenfranchisement in time? 14 MR. FREDERICK: Objection, calls for 15 speculation. You can answer if you can. 16 A. I don't know what the changes were to voter 17 registration and deputies, so I cannot answer the 18 question. 19 Q. (By Mr. Dunn) But you would agree that if we 20 take stacks of hairs and we continue to stack the hairs, 21 sooner or later we'll get to the thickness of a quarter? 22 MR. FREDERICK: Objection, vague. You can 23 answer if you can. 24 A. I don't believe that Senate Bill 14 was passed 25 in a vacuum, and I think we recognized what the rest of</p>	<p style="text-align: center;">259</p> <p>1 in advance of the last legislative session, did they 2 not, with respect to information that had to be provided 3 to get a driver's license or ID? 4 A. I think that's correct. Yes. 5 Q. So is it your opinion that as DPS continues to 6 add requirements to getting a driver's license or an ID, 7 that doesn't create a burden, even ever so slight, to 8 voting? 9 A. Well, Senate Bill 14 provides with other forms 10 of ID, so you could use one of those forms, those five 11 other forms, four other forms, to vote if you didn't 12 want to get a driver's license. 13 Q. So if the state, whether it be through the 14 legislature, the agency makes it extremely difficult to 15 get a driver's license, that's not a burden, in your 16 view, because there are other IDs that can be obtained. 17 Do I have that right? 18 MR. FREDERICK: Object to the extent it 19 misstates prior testimony. You can answer. 20 A. I don't -- can you say that, can you repeat 21 your question? 22 MR. DUNN: Sure. Would you mind reading 23 that one? 24 (Requested portion read back by the court 25 reporter.)</p>
<p style="text-align: center;">258</p> <p>1 the election code did when we passed it. 2 Q. (By Mr. Dunn) So it's your testimony then that 3 whatever burden, if there is one on Senate Bill 14, does 4 not add into other burdens if there are in state law to 5 the right to vote? 6 MR. FREDERICK: Object to the extent it 7 mischaracterizes prior testimony, but you can answer. 8 A. I don't know that I said there were other 9 burdens. So, I mean. 10 Q. All right. What burdens are there, if any, to 11 the voting in Texas? 12 A. I don't believe there are any burdens currently 13 to voting in Texas. 14 Q. Are you familiar with new regulations adopted 15 by the Department of Public Safety relating to documents 16 required to be presented in order to get an ID or 17 driver's license? 18 A. I have recently read news clips saying they did 19 that. Yes, sir. 20 Q. These are new regulations that came out May the 21 1st; is that true? 22 A. I don't know the date, but recent, yes, sir. 23 Q. Very recently? 24 A. Yes, sir. 25 Q. DPS also adopted some new regulations shortly</p>	<p style="text-align: center;">260</p> <p>1 MR. FREDERICK: Object, again, as 2 vague. Object to the extent it mischaracterizes the 3 prior testimony. And object, it calls for speculation. 4 But you can answer. 5 (Cell phone buzzes.) 6 Q. (By Mr. Dunn) Do you need to deal with that? 7 A. I need to just turn it off. 8 Q. I know you have twins. If you need to get it. 9 A. No. My husband has them. 10 I don't know that what we -- what DPS has 11 done is created a burden in terms of getting a driver's 12 license. And I believe that Senate Bill 14 provided 13 with other mechanisms if you didn't want to use a 14 driver's license as a photo ID to vote. 15 Q. All right. Well, did you or anybody in your 16 office have any coordination with DPS and its adoption 17 of regulations relating to obtaining a driver's license 18 or ID? 19 A. No. 20 Q. Are you aware of any impediments to DPS through 21 its rule-making authority to create other requirements 22 for folks to bring in order to obtain one of these state 23 IDs? 24 A. No. 25 Q. So then it would be true that even under the</p>

JANICE MCCOY

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<p style="text-align: center;">261</p> <p>1 current sort of situation and regulation in which we're</p> <p>2 judging Senate Bill 14, that could easily change should</p> <p>3 DPS decide to alter its regulations?</p> <p>4 MR. FREDERICK: Objection, calls for</p> <p>5 speculation, but you can answer.</p> <p>6 A. I don't think I can answer the question. I</p> <p>7 can't speculate what DPS will or won't do.</p> <p>8 Q. (By Mr. Dunn) I don't think I was asking you</p> <p>9 to speculate.</p> <p>10 A. Okay.</p> <p>11 Q. I guess all I was asking is since DPS</p> <p>12 regulations are as fluid as DPS wants to create rules,</p> <p>13 you would agree with me the effect of Senate Bill 14</p> <p>14 will change as those requirements change?</p> <p>15 A. I disagree because DPS has to operate within</p> <p>16 statute, and if statute is clear, then DPS rules can't</p> <p>17 go beyond that.</p> <p>18 Q. Was there anything in Senate Bill 14 that</p> <p>19 authorized DPS to require documentation of 30-day</p> <p>20 residency in order to get a voter ID or a driver's</p> <p>21 license?</p> <p>22 A. No, sir.</p> <p>23 Q. So do you know what their statutory authority</p> <p>24 was for doing that?</p> <p>25 A. No, sir.</p>	<p style="text-align: center;">263</p> <p>1 strike that.</p> <p>2 The 31 senators who are in the Senate are</p> <p>3 the only people eligible to vote in the Senate. Seems</p> <p>4 like a silly question, but that's true; is that right?</p> <p>5 A. That's true.</p> <p>6 Q. All right. So you either have to convince the</p> <p>7 requisite number of those senators to support your</p> <p>8 measure or you have to somehow change the electorate; is</p> <p>9 that true?</p> <p>10 A. Change the electorate. I don't understand.</p> <p>11 Q. These 31 senators. You either got to convince</p> <p>12 --</p> <p>13 A. Right.</p> <p>14 Q. -- two-thirds or a majority, whatever you</p> <p>15 need --</p> <p>16 A. Right.</p> <p>17 Q. -- or you got to beat a senator or two in an</p> <p>18 election?</p> <p>19 A. That's correct.</p> <p>20 Q. As I understand earlier forms of photo ID,</p> <p>21 because there wasn't the two-thirds vote in the Senate,</p> <p>22 the maneuver then was to have the vote when one senator</p> <p>23 who opposed the bill was missing; is that true?</p> <p>24 A. Yes.</p> <p>25 Q. And that happened on at least one occasion when</p>
<p style="text-align: center;">262</p> <p>1 Q. If there was statutory authority, it would have</p> <p>2 had to come from someplace other than Senate Bill 14?</p> <p>3 A. That's correct.</p> <p>4 Q. All right. Now, I'd like to ask you a little</p> <p>5 bit about the 21-vote rule. And I understand that you</p> <p>6 say it's not a rule, so I'm not trying to put the word</p> <p>7 "rule." How do you want to refer to it, the 21-vote</p> <p>8 tradition?</p> <p>9 A. We can call it a rule if you'd prefer, if that</p> <p>10 makes it easier for you.</p> <p>11 Q. All right. A bill or measure in the Senate in</p> <p>12 order to pass out of the body under typical rules and</p> <p>13 traditions requires 21 votes, if all 31 senators are</p> <p>14 present?</p> <p>15 A. It requires -- yes, sir, if all 31 senators are</p> <p>16 present. Yes, sir.</p> <p>17 Q. All right. And if there's some number below 31</p> <p>18 senators, then two-thirds of the number who are present</p> <p>19 is required, so long as there's a quorum; is that true?</p> <p>20 A. Yes, sir.</p> <p>21 Q. What measures can you recall in your 14 or so</p> <p>22 years of experience have been passed out of the Senate</p> <p>23 without complying with the two-thirds tradition?</p> <p>24 A. Besides photo ID, I don't know of any.</p> <p>25 Q. Now, you gave some testimony earlier -- well,</p>	<p style="text-align: center;">264</p> <p>1 Senator Uresti was not around?</p> <p>2 A. In terms of voter ID, yes.</p> <p>3 Q. And it was senators, I'm not asking you to</p> <p>4 identify whom, but it was senators who came up with this</p> <p>5 maneuver of trying to get a bill through when there</p> <p>6 wasn't two-thirds of the -- when you didn't have a</p> <p>7 senator present.</p> <p>8 MR. FREDERICK: I'll object on legislative</p> <p>9 privilege. Instruct you not to answer it.</p> <p>10 MR. DUNN: Okay. And I'm not talking</p> <p>11 about Senate Bill 14. I'm talking about process in</p> <p>12 general in the Senate. So is it your -- is it your</p> <p>13 instruction to her, she can't talk about the two-thirds</p> <p>14 rule in general?</p> <p>15 MR. FREDERICK: No. That's not my</p> <p>16 instruction to her.</p> <p>17 MR. DUNN: Oh, okay. All right. I just</p> <p>18 didn't want to keep asking the same question.</p> <p>19 MR. FREDERICK: No, no, I hear you.</p> <p>20 Q. (By Mr. Dunn) All right. So -- let me just</p> <p>21 start over.</p> <p>22 Your experience there in the Senate is</p> <p>23 that senators occasionally will wait for an opponent</p> <p>24 senator to not be in the chamber in order to push a</p> <p>25 bill?</p>